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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/596,855	06/27/2006	Tetsu Hada	40790	1362
53054 7590 10/02/2008 PEARNE & GORDON LLP 1801 EAST 9TH STREET SUITE 1200 CLEVELAND, OH 44114-3108				
EXAMINER EL-ZOOBI, MARIA				
ART UNIT		PAPER NUMBER		
2614				
NOTIFICATION DATE		DELIVERY MODE		
10/02/2008		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patdocket@peame.com

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Office Action Summary

Application No.

10/596,855

Applicant(s)

HADA ET AL.

Examiner

MARIA EL-ZOOBI

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) ____ is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04/7/2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/55/08)
Paper No(s)/Mail Date ____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-4 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-6 are rejected under 35 U.S.C. 102(b) as being unpatentable by Kakigahara (US 6, 522417).

Regarding claim 1, Kakigahara discloses a communication terminal having a communication function (Col. 1, lines 50-65 through Col. 2) and a function common to a function installed in an associated communication terminal (Col. 3; both terminal able to create and transmit symbols or images and manipulate the image based on a certain action apply on the image Col. 9, lines 30 through Col. 10, also see Fig 14-20; when the user of the communication terminal performs a certain action on the image/symbol of the other communication terminal, the output symbol/image of the sending terminal on the receiving terminal will be manipulate in a way to perform this action Col. 14) the communication terminal comprising:

an input data analysis unit which analyzes input data (Col. 12, lines 61 through Col. 13, lines 1-13; and Fig. 3, el. 23; the analysis unit)

a data matching unit which matches data for the communication terminal and data for the associated communication terminal based on an analysis result in the input data analysis unit (Col. 13, lines 27 through Col. 14; the operation unit match the symbol with the performed action) and outputs matched data based on a matching result (Col. 9, lines 65 through Col. 10 and Col. 14, 15 and 16; output the manipulation image)

a data generation unit which generates data to execute the function installed in the communication terminal and data to execute the function installed in the associated communication terminal based on the matched data (Col. 7, lines 59-67, Col. 11, lines 32-41 and 55-64, Col. 12, lines 46-60; data instruction to execute the function) and

a transmission unit which transmits the data to execute the function installed in the associated communication terminal installs (Col. 11, lines 65 through Col. 12, lines 1-30).

Regarding claim 2, Kakigahara discloses, the communication terminal according has a video telephone function (the terminal communication unit able to transmit and receive audio and has a camera Col. 6, line 51 and Col. 25, lines 35-40) .

Regarding claim 3, Kakigahara discloses, the communication terminal

comprising:

an input unit which inputs, as the input data, at least one data selected from among image data, voice data, and key input data to the input data as the input data (Col. 7, lines 1-10 and Fig. 2, el. 101).

Regarding claim 4, Kakigahara discloses, a communication method of a communication terminal (Col. 1, lines 50-65 through Col. 2) having a function common to a function installed in an associates communication terminal (Col. 3; both terminal able to create and transmit symbols or images and manipulate the image based on a certain action apply on the image Col. 9, lines 30 through Col. 10, also see Fig 14-20; when the user of the communication terminal performs a certain action on the image/symbol of the other communication terminal, the output symbol/image of the sending terminal on the receiving terminal will be manipulate in a way to perform this action Col. 14), the communication method comprising:

analyzing input data (Col. 12, lines 61through Col. 13, lines 1-13; and Fig. 3, el. 23; the analysis unit)

matching data for the communication terminal with data for the associated communication terminal based on the analysis result in the analyzing process (Col. 13, lines 27 through Col .14; the operation unit match the symbol with the performed action)

outputting data matched in the matching process (Col. 9, lines 65 through Col. 10 and Col. 14, 15 and 16; output the manipulation image)

generating data to execute the function installed in the communication terminal and data to execute the function installed in the associated communication terminal (Col. 7, lines 59-67, Col. 11, lines 32-41 and 55-64, Col. 12, lines 46-60; data instruction to execute the function)

and transmitting the data to execute the function installed in the associated communication terminal (Col. 11, lines 65 through Col. 12, lines 1-30).

Regarding claim 5, Kakigahara discloses, the communication unit comprising a data matching unit matches the data for the communication terminal with the data for the associated communication terminal based on weather one or both of the data for the communication terminal and the data for the associated communication terminal include a sole action data or mutual action data (Col. 14, lines 35-63, Col. 19 through Col. 20; laugh or swinging or vibrating).

Regarding claim 6, Kakigahara discloses, when one or both of the data for the communication terminal and the data for the associated communication terminal contains mutual action data, the data matching unit changes one of the data for the communication terminal and the data for the associated communication terminal in response to the mutual action data of the other of the data for the communication terminal and the data for the associated communication terminal (Col. 14, lines 35-63, Col. 19 through Col. 20 also see Fig 14-20).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARIA EL-ZOBI whose telephone number is (571)270-3434. The examiner can normally be reached on Monday-Friday (8AM-5 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on 571-272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. E./
Examiner, Art Unit 2614
/CURTIS KUNTZ/
Supervisory Patent Examiner, Art Unit 2614